

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEON DERRICO,)
Plaintiff(s),) Case No. 2:15-cv-01165-APG-NJK
vs.) ORDER
PENNYMAC CORP, et al.,) (Docket No. 14)
Defendant(s).)

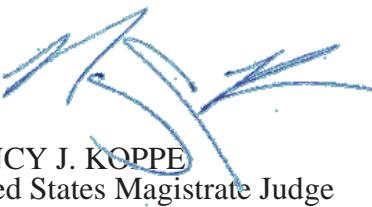
Pending before the Court is the parties' joint proposed discovery plan, Docket No. 14, which is hereby **DENIED** without prejudice. The presumptively reasonable period of time to conduct discovery is 180 days calculated from the date the first defendant answers or otherwise appears. Local Rule 26-1(e)(1). Defendant MTC Financial, Inc., first appeared on December 14, 2015, and the parties seek to schedule the discovery cut-off for October 31, 2016. *See* Docket Nos. 8, 14. Therefore, the parties request a discovery period of approximately 322 days. The parties seek additional time based on the pendency of a motion to dismiss and Defendant Pennymac Corporation's failure to timely file a responsive pleading. Docket No. 14 at 3. The Court finds that these reasons do not warrant such an extended discovery period. A pending motion, standing alone, is an inadequate basis to stay or extend discovery. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) ("The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.") Further, Local Rule 26-1(e)(1) makes clear that the discovery period is to be "measured from the date the first defendant appear[ed]." Since Defendant MTC Financial, Inc.,

1 has appeared, Defendant Pennymac Corporation's late appearance is irrelevant to determining the length
2 of the discovery period under Local Rule 26-1(e)(1).

3 Accordingly, the proposed discovery plan is hereby **DENIED** without prejudice. The parties
4 shall file a new joint proposed discovery plan that complies in full with Local Rule 26-1, no later than
5 February 5, 2016.

6 IT IS SO ORDERED.

7 DATED: January 29, 2016

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10 NANCY J. KOPPE
United States Magistrate Judge

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